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| 09/779,556 | 02/09/2001 | Seog Yeon Han | 2950-185P | 6169 |
| 2292 | 7590 | 02/24/2006 | EXAMINER | |
| BIRCH STEWART KOLASCH & BIRCH PO BOX 747 FALLS CHURCH, VA 22040-0747 | | | GYORFI, THOMAS A | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 2135 | |
| DATE MAILED: 02/24/2006 | | | | |

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/779,556

Applicant(s)

HAN ET AL.

Examiner

Tom Gyorf

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 December 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-25 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1-25 remain for examination.

Continued Examination Under 37 CFR 1.114

2. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 12/21/05 has been entered.

Response to Arguments

3. Applicant's arguments filed 12/21/05 have been fully considered but they are not persuasive.
4. Applicant argues, "*Kuba utterly fails to disclose or suggest a file management method for a disk such as a DVD.*" In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which Applicant relies (i.e., that the rewritable disk need be a DVD) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

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5. Applicant further argues, "*A memory card is not a disk. A memory card is a removable module that contains RAM chips (see, e.g., www.pcmag.com/encyclopedia-term/0,2542,t=memory+card&i=46763,00.asp). Where in the disclosure of Kuba is this technology applied to a disk?*" Examiner respectfully directs Applicant's attention to col. 22, lines 55-61, which states:

While the above description concerned with the IC memory card camera, it is more effective to use opto-magnetic disks or like large capacity storage media in lieu of the IC memory card 14. Further, the invention is not limited to cameras but can of course be applied broadly for information retrieval in general systems for storing and reproducing data. (Emphasis Examiner's)

Additionally, the reference that Applicant used in support of the preceding argument does not appear to have been officially entered on the record by Applicant via an Information Disclosure Statement, nor by the Examiner. As such, it has not been considered. See MPEP § 609 for more information.

6. Applicant's arguments with respect to claim 12 have been considered but are moot in view of the new ground(s) of rejection.

7. It must also be noted that the Declaration under 37 CFR 1.132 filed 12/21/05 will not be considered, and thus would be insufficient to overcome the rejection of claim 12 based upon Kuba in view of Applicant Admitted Prior Art as set forth in the last Office action because the declaration has not been signed by inventor Seog Yeon Han. See MPEP § 716 for more information regarding proper declarations under 37 CFR 1.132.

Claim Rejections - 35 USC § 102

8. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

9. Claims 1-11 and 13-25 are rejected under 35 U.S.C. 102(b) as being anticipated by Kuba et al. (U.S. Patent 5,806,072).

Referring to Claim 1:

Kuba discloses a file managing method in reproducing a rewritable disk (col. 22, lines 55-61), comprising the steps of:

(a) checking the file names, directories, or names and directories of files written in the rewritable disk (col. 27, lines 5-15);

(b) providing a message indicating that reproduction is impossible when the file names, directories, or names and directories are against a standard file scheme pre-specified for a disk containing real-time data (col. 27, lines 5-25; col. 31, lines 30-35);

(c) conducting a correction operation, if demanded (col. 27, lines 40-45; col. 28, lines 1-10).

Referring to Claim 2:

Kuba discloses the limitations of Claim 1 above. Kuba further discloses, wherein the reason why the reproduction is impossible is contained in said message (col. 28, lines 35-50).

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Referring to Claim 3:

Kuba discloses the limitations of Claim 1 above. Kuba further discloses, steps (a) and (b) are conducted when the reproduction is requested (col. 28, lines 35-50).

Referring to Claim 4:

Kuba discloses a file managing method in recording a data stream in a rewritable disk (col. 22, lines 55-61), comprising the steps of:

(a) checking a file name, directory, or name and directory of the file requested to be recorded in the rewritable disk (col. 51, lines 5-30);

(b) providing a message indicating that reproduction would fail later if recorded as requested when the file name, directory, or name and directory is against a standard file scheme pre-specified for a disk containing real-time data file (col. 51, lines 15-30); &

(c) conducting a correction operation, if demanded (col. 51, lines 20-30).

Referring to Claim 5:

Kuba discloses the limitations of Claim 4 above. Kuba further discloses, the step of recording received data as requested if the request of record is received again after the message being provided (col. 51, lines 20-30).

Referring to Claim 6:

Kuba discloses the limitations of Claim 4 above. Kuba further discloses, the step of deleting information received when the file record is requested if the request of record is cancelled after the message being provided (col. 26, lines 20-30).

Referring to Claim 7:

Kuba discloses the limitations of Claim 4 above. Kuba further discloses, wherein the reason why the later reproduction would fail is contained in said message (col. 51, lines 20-35).

Referring to Claims 8 and 13:

Kuba discloses a method conducted in a computer for-managing files written in a rewritable disk (col. 22, lines 55-61), comprising the steps of:

(a) checking the file type if the file is requested to be renamed or moved (col. 27, lines 5-20); and

(b) providing a message indicating that disk reproduction would be impossible after the file is renamed or moved, if the file type is one among pre-specified file types (col. 27, lines 10-20); and

(c) conducting a correction operation, if demanded (col. 28, lines 20-50).

Referring to Claims 9 and 14:

Kuba discloses the limitations of Claims 8 and 13 above. Kuba further discloses, wherein the correction operation comprises the step of renaming or moving the file as requested, if the requested file operation is demanded again after the message being provided (col. 51, lines 20-30; col. 24, lines 45-60).

Referring to Claim 10:

Kuba discloses the limitations of Claim 8 above. Kuba further discloses the pre-specified file type is indicative of a file containing real-time data (col. 31, lines 60-65; col. 49, lines 30-50).

Referring to Claim 11:

Kuba discloses the limitations of Claim 8 above. Kuba further discloses the pre-specified file types are designated by means of file names defined in a file system standardized for a rewritable disk containing real-time data stream (col. 27, lines 20-40).

Referring to Claim 15:

Kuba discloses a file managing method in recording data stream in a rewritable disk (col. 22, lines 55-61), comprising the steps of: (a) checking whether or not a file structure formed in the rewritable disk conforms to a standard file system pre-specified for a disk containing real-time data stream (col. 27, lines 5-30); (b) correcting the file structure of the rewritable disk if the file structure is against the standard file system

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(col. 27, lines 10-20) and (c) writing input data stream in a data file belonging to the corrected file structure (col. 27, lines 10-15).

Referring to Claim 16:

Kuba discloses the limitations of Claim 15 above. Kuba further discloses, wherein said step (a) determines that the file structure is against the standard file system if a directory pre defined in the standard file system is not found (col. 27, lines 5-20; col. 28, lines 1-30).

Referring to Claim 17:

Kuba discloses the limitations of Claim 15 above. Kuba further discloses wherein said step (a) determines that the file structure is against the standard file system if the file name of a data file containing real-time data stream is different from the file name pre-defined in the standard file system (col. 27, lines 35-55; col. 28, lines 30-50).

Referring to Claim 18:

Kuba discloses the limitations as discussed in Claim 15 above. Kuba further discloses the file structure is against the standard file system if the file recording information written in a navigation file does not accord with existing data stream files (col. 28, lines 35-50).

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Referring to Claim 19:

Kuba disclose the limitations as discussed in Claim 15 above. Kuba further discloses copying the file structure before correction, and makes the copied file structure be distinguishable from the corrected file structure (col. 24, lines 45-65; col. 31, lines 15-30).

Referring to Claim 20:

Kuba discloses the limitations as discussed in Claim 15 above. Kuba further discloses a message asking whether or not the requested recording operation is proceed if the file structure is against the standard file scheme, and corrects the file structure of the rewritable disk if the requested recording operation is demanded again (col. 27, lines 10-30; col. 28, lines 15-40).

Referring to claims 21-25:

Kuba discloses the limitations as discussed in claims 1, 4, 8, 13, and 15 above. Kuba further discloses an embodiment wherein an opto-magnetic disk is used (col. 22, lines 55-60). In such an embodiment, it is inherent to the use of disk storage media that it would need to be inserted into a disk drive in order to perform its primary function.

Claim Rejections - 35 USC § 103

10. Claims 1-11 and 13-25 are also rejected under 35 U.S.C. 103(a) as being unpatentable over Kuba (U.S. Patent 5,806,072) and further in view of the previously cited article "D-Store IBM Microdrives" (hereinafter, "D-Store").

Referring to Claim 1:

Kuba discloses a file managing method in reproducing a [rewritable disk], comprising the steps of:

(a) checking the file names, directories, or names and directories of files written in the rewritable disk (col. 27, lines 5-15);

(b) providing a message indicating that reproduction is impossible when the file names, directories, or names and directories are against a standard file scheme pre-specified for a disk containing real-time data (col. 27, lines 5-25; col. 31, lines 30-35);

(c) conducting a correction operation, if demanded (col. 27, lines 40-45; col. 28, lines 1-10).

As noted by Applicant in the amendment filed 12/21/05, the exemplary embodiment of Kuba teaches implementing the claimed method on a memory card, although Kuba teaches that in a preferred embodiment a disk can be used in lieu of an IC memory card (col. 22, lines 55-61). Even were that not so, D-Store discloses that at the time of the invention there were memory cards conforming to a well-known standard (CompactFlash [CF+ Type II] on page 2, line 3) comprising a rewritable disk (page 2, "More Memory, More Portability, More Value", and accompanying illustration), and that

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such microdrives were ideally suited for digital cameras such as those disclosed by Kuba (D-Store, page 2, line 2). It would have been obvious to one of ordinary skill in the art at the time the invention was made to use a microdrive in lieu of other types of memory cards in the invention disclosed by Kuba. Doing so would result in gains in performance and storage capacity over flash [IC] memory cards (D-Store, all of page 2).

Referring to Claim 2:

Kuba and D-Store disclose the limitations of Claim 1 above. Kuba further discloses, wherein the reason why the reproduction is impossible is contained in said message (col. 28, lines 35-50).

Referring to Claim 3:

Kuba and D-Store disclose the limitations of Claim 1 above. Kuba further discloses, steps (a) and (b) are conducted when the reproduction is requested (col. 28, lines 35-50).

Referring to Claim 4:

Kuba discloses a file managing method in recording a data stream in a [rewritable disk], comprising the steps of:

(a) checking a file name, directory, or name and directory of the file requested to be recorded in the rewritable disk (col. 51, lines 5-30);

(b) providing a message indicating that reproduction would fail later if recorded as requested when the file name, directory, or name and directory is against a standard file scheme pre-specified for a disk containing real-time data file (col. 51, lines 15-30); and

(c) conducting a correction operation, if demanded (col. 51, lines 20-30).

As noted by Applicant in the amendment filed 12/21/05, the exemplary embodiment of Kuba teaches implementing the claimed method on a memory card, although Kuba teaches that in a preferred embodiment a disk can be used in lieu of an IC memory card (col. 22, lines 55-61). Even were that not so, D-Store discloses that at the time of the invention there were memory cards conforming to a well-known standard (CompactFlash [CF+ Type II] on page 2, line 3) comprising a rewritable disk (page 2, "More Memory, More Portability, More Value", and accompanying illustration), and that such microdrives were ideally suited for digital cameras such as those disclosed by Kuba (D-Store, page 2, line 2). It would have been obvious to one of ordinary skill in the art at the time the invention was made to use a microdrive in lieu of other types of memory cards in the invention disclosed by Kuba. Doing so would result in gains in performance and storage capacity over flash [IC] memory cards (D-Store, all of page 2).

Referring to Claim 5:

Kuba and D-Store disclose the limitations of Claim 4 above. Kuba further discloses, the step of recording received data as requested if the request of record is received again after the message being provided (col. 51, lines 20-30).

Referring to Claim 6:

Kuba and D-Store disclose the limitations of Claim 4 above. Kuba further discloses, the step of deleting information received when the file record is requested if the request of record is cancelled after the message being provided (col. 26, lines 20-30).

Referring to Claim 7:

Kuba and D-Store disclose the limitations of Claim 4 above. Kuba further discloses, wherein the reason why the later reproduction would fail is contained in said message (col. 51, lines 20-35).

Referring to Claims 8 and 13:

Kuba discloses a method conducted in a computer for-managing files written in a [rewritable disk], comprising the steps of:

(a) checking the file type if the file is requested to be renamed or moved (col. 27, lines 5-20); and

(b) providing a message indicating that disk reproduction would be impossible after the file is renamed or moved, if the file type is one among pre-specified file types (col. 27, lines 10-20); and

(c) conducting a correction operation, if demanded (col. 28, lines 20-50).

As noted by Applicant in the amendment filed 12/21/05, the exemplary embodiment of Kuba teaches implementing the claimed method on a memory card,

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although Kuba teaches that in a preferred embodiment a disk can be used in lieu of an IC memory card (col. 22, lines 55-61). Even were that not so, D-Store discloses that at the time of the invention there were memory cards conforming to a well-known standard (CompactFlash [CF+ Type II] on page 2, line 3) comprising a rewritable disk (page 2, "More Memory, More Portability, More Value", and accompanying illustration), and that such microdrives were ideally suited for digital cameras such as those disclosed by Kuba (D-Store, page 2, line 2). It would have been obvious to one of ordinary skill in the art at the time the invention was made to use a microdrive in lieu of other types of memory cards in the invention disclosed by Kuba. Doing so would result in gains in performance and storage capacity over flash [IC] memory cards (D-Store, all of page 2).

Referring to Claims 9 and 14:

Kuba and D-Store disclose the limitations of Claims 8 and 13 above. Kuba further discloses, wherein the correction operation comprises the step of renaming or moving the file as requested, if the requested file operation is demanded again after the message being provided (col. 51, lines 20-30; col. 24, lines 45-60).

Referring to Claim 10:

Kuba and D-Store disclose the limitations of Claim 8 above. Kuba further discloses the pre-specified file type is indicative of a file containing real-time data (col. 31, lines 60-65; col. 49, lines 30-50).

Referring to Claim 11:

Kuba and D-Store disclose the limitations of Claim 8 above. Kuba further discloses the pre-specified file types are designated by means of file names defined in a file system standardized for a rewritable disk containing real-time data stream (col. 27, lines 20-40).

Referring to Claim 15:

Kuba discloses a file managing method in recording data stream in a [rewritable disk], comprising the steps of: (a) checking whether or not a file structure formed in the rewritable disk conforms to a standard file system pre-specified for a disk containing real-time data stream (col. 27, lines 5-30); (b) correcting the file structure of the rewritable disk if the file structure is against the standard file system (col. 27, lines 10-20) and (c) writing input data stream in a data file belonging to the corrected file structure (col. 27, lines 10-15).

As noted by Applicant in the amendment filed 12/21/05, the exemplary embodiment of Kuba teaches implementing the claimed method on a memory card, although Kuba teaches that in a preferred embodiment a disk can be used in lieu of an IC memory card (col. 22, lines 55-61). Even were that not so, D-Store discloses that at the time of the invention there were memory cards conforming to a well-known standard (CompactFlash [CF+ Type II] on page 2, line 3) comprising a rewritable disk (page 2, "More Memory, More Portability, More Value", and accompanying illustration), and that such microdrives were ideally suited for digital cameras such as that disclosed by Kuba

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(D-Store, page 2, line 2). It would have been obvious to one of ordinary skill in the art at the time the invention was made to use a microdrive in lieu of other types of memory cards in the invention disclosed by Kuba. Doing so would result in gains in performance and storage capacity over flash [IC] memory cards (D-Store, page 2 in its entirety).

Referring to Claim 16:

Kuba and D-Store disclose the limitations of Claim 15 above. Kuba further discloses, wherein said step (a) determines that the file structure is against the standard file system if a directory pre defined in the standard file system is not found (col. 27, lines 5-20; col. 28, lines 1-30).

Referring to Claim 17:

Kuba and D-Store disclose the limitations of Claim 15 above. Kuba further discloses wherein said step (a) determines that the file structure is against the standard file system if the file name of a data file containing real-time data stream is different from the file name pre-defined in the standard file system (col. 27, lines 35-55; col. 28, lines 30-50).

Referring to Claim 18:

Kuba and D-Store disclose the limitations as discussed in Claim 15 above. Kuba further discloses the file structure is against the standard file system if the file recording

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information written in a navigation file does not accord with existing data stream files (col. 28, lines 35-50).

Referring to Claim 19:

Kuba and D-Store disclose the limitations as discussed in Claim 15 above. Kuba further discloses copying the file structure before correction, and makes the copied file structure be distinguishable from the corrected file structure (col. 24, lines 45-65; col. 31, lines 15-30).

Referring to Claim 20:

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Referring to claims 21-25:

Kuba and D-Store disclose the limitations as discussed in claims 1, 4, 8, 13, and 15 above. Kuba further discloses an embodiment wherein an opto-magnetic disk is used (col. 22, lines 55-60). In such an embodiment, it is inherent to the use of disk storage media that it would need to be inserted into a disk drive in order to perform its primary function.

11. Claim 12 is twice rejected under 35 U.S.C. 103(a) as being unpatentable over Kuba (alone and in view of D-Store) as applied to claim 8 above, and further in view of the previously cited ECMA-167 reference (hereinafter, "ECMA").

Referring to claim 12:

Kuba [and D-Store] disclose[s] the limitations as discussed in claim 8 above.

Neither Kuba nor D-Store explicitly disclose "step (a) refers to a 1-byte type field written in a table of information control block (ICB) tag contained in a file entry addressed by an ICB field of a file identifier descriptor".

ECMA discloses a 1-byte type field written in a table of information control block (ICB) tag contained in a file entry addressed by an ICB field of a file identifier descriptor (page 4/23, Figure 15 and "14.6 ICB Tag").

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to modify Kuba, by itself or in view of D-Store, with a 1-byte descriptor that defines the file. One of ordinary skill in the art would have been motivated to do this because the resulting invention would be compliant with a well-known internationally accepted standard for data storage on rewritable media, that offers much more functionality than previous standards (ECMA, "Brief History", 1st paragraph).

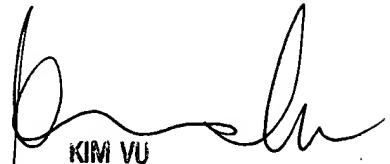
Conclusion

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tom Gyorfi whose telephone number is (571) 272-3849. The examiner can normally be reached on 8:30am - 5:00pm Monday - Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kim Vu can be reached on (571) 272-3859. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

TAG
2/16/06


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